

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LARRY COLEMAN HICKS, #1839986           §  
VS.   §                   CIVIL ACTION NO. 6:18cv361  
CYNTHIA STEVENS KENT                   §

ORDER OF DISMISSAL

Plaintiff Larry “Dude” Coleman Hicks, an inmate confined in the Smith County Jail, proceeding *pro se*, is seeking to proceed *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law and recommendations for the disposition of the case.

On January 3, 2019, Judge Love issued a Report, (Dkt. #15), recommending that Plaintiff’s civil rights lawsuit be dismissed, without prejudice, for Plaintiff’s failure to obey an order of the court. Specifically, the Report highlighted that, on October 11, 2018, this court ordered Plaintiff to submit an application to proceed *in forma pauperis*—together with an *in forma pauperis* data sheet or inmate account activity sheet that is certified by an authorized official. The October order specifically warned Plaintiff that the failure to comply with the order may result in the dismissal of his lawsuit. (Dkt. #11). A copy of Judge Love’s Report was sent to Plaintiff at his known address; return receipt requested. However, to date, no objections have been filed. Moreover, Plaintiff has still failed to comply with the October 2018 order.

Because Plaintiff has failed to file objections to Judge Love’s Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings

and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

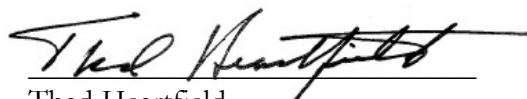
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #15), is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice for failure to obey an order. Finally, it is

**ORDERED** that any motions which may be pending in this civil action are hereby **DENIED**.

**SIGNED** this the **21** day of **February, 2019**.

  
Thad Heartfield  
United States District Judge